

Supreme Court, U.S.

FILED

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NO.

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IN THE

SUPREME COURT OF THE UNITED STATES

XENIA C GUAM © , et. al., pro se,

Petitioner (s)

United States Court of Appeals for the Ninth Circuit;  
Before Leavy, McKeown, and Berzon, Circuit Judges,  
Case - USCA NO 04-17048 and United States District  
Court - District of Nevada; Robert C Jones, United States  
District Judge, Case - CV-S-04-0987-RCJ and Appellee,  
Plaintiff, FIRST NATIONAL BANK OF OMAHA

Respondent (s) ON

PETITION FOR WRIT OF CERTIORARI  
TO THE UNITED STATES SUPREME COURT FOR  
REVIEW OF APPEAL/S MADE TO THE UNITED  
STATES COURT OF APPEALS FOR THE NINTH DIS-  
TRICT. Judgment entered January 24, 2005.

PETITION FOR WRIT OF CERTIORARI

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**QUESTIONS**

- 1 - Can Federal Judges claim that Federal Statutes are not a Federal Questions or ignore the fact that Federal Statutes are a Federal Question ?
- 2 - Can a Federal Appeals Court claim that and Appeal made based on Federal Questions and Federal Diversity can not be Reviewed ?
- 3 - Can a Petitioned Federal Case be remanded to a State Court that has already ignored all Federal Statutes and that further failed to administer Federal Statutes ?
- 4 - Can Federal Courts deprive any United States citizen that is not incarcerated or guilty of any crimes of their Constitutional Rights and protection under all Federal Statutes ?
- 5 - Is it the duty of the Federal Courts to uphold and Administer all laws in regards Federal Statutes, Laws and Acts ?
- 6 - Will the Federal Courts deprive a United States Citizen from reporting and filing a Petition of Rico Law violations against citizens or companies of the United States ?
- 7 - Does the Federal Court permit Ultra Vires to be committed by any company or institution regulated by the U. S. Treasury Department ?

## QUESTIONS ( continued )

8 - In the event of issues where errors are made or cases cited or not applicable does a Federal Judge have the right to

ORDER that a case is not review able based on those errors made by Federal Judges ?

9 - At issue; is it the sworn duty and obligations of Federal Judges to administer and uphold Federal Laws and Statues and to protect the Constitutional Rights of United States Citizens ?

10 - Can a Federal Judge Order that all records are moot and further make an Order on Mandate of all court records - when errors have been made in the administration of Federal Statues and Laws by Federal Judges in and effort to hide and quash those errors made ?

11 - Do the Federal Courts allows illegally filed extortionate lawsuits to continue or be remanded to a state court when evidence is abundant and clear that the extortionate lawsuit was filed in violation of Federal Laws ?

12 - Do Federal Courts allow Banks to violate Federal Laws ?

13 - Do the Federal Courts allow Lawsuits that have No Proof of Claim to continue ?

**QUESTIONS ( continued )**

**14 - Are Violations of Federal States, Laws and Acts considered to be a Federal Question ?**

**15 - Are Violations of Constitutional Rights considered to be a Federal Question ?**

**16 - Is it not Federal Law that preempt State Laws when States do not protect the Constitutional Rights of United States Citizens or Federal laws that have been violated ?**

**17 - Why has the Federal Courts chosen not to Administer the Federal Laws violated in this case?**

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## **TABLE OF AUTHORITIES ( continued )**

**MANY Additional Cases are cited within contents hereof.**

- 1 - *Farmers and Miners Bank v Bluefield Nat'l Bank*  
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- 2 - *First Nat. Bank v. Nat. Exchange Bank*, 92 U.S. 122, 128;;  
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- 3 - *State v. Neilon*, 7S, Pac. 3211, 43 Ore. 168.....
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- 11 - *People's Bank v. National Bank*, 101 U.S. 181, 25 L. Ed. 907.....**
- 12 - *Zinc Carbonate Co. v. First National Bank*, 103 Wis 125, 79 NW 229.....**
- 13 - *American Express Co. v. Citizens State Bank*, 194 NW 430.....**
- 14 - *Federal Intermediate Credit Bank v. L `Herrison*, 33 F 2d 841, 842 (1929).....**
- 15 - *National Bank of Commerce v. Atkinson*, 55 F. 471. 13.....**
- 16 - *First Nat `I Bank of Tallapoosa v. Monroe*, 135 Ga 614, 69 SE 1124, 32 LRA (NS) 550.....**
- 17 - *Seligman v. Charlottesville Nat. Bank*, 3 Hughes 647, Fed Case No.12, 642, 1039.....**
- 18 - *Parsons v. Fox*, 179 Ga 605, 176 SE 644.....**
- 19 - *Kirkland v. Bailey*, 155 SE 2d 701.....**
- 20 - *United States v. Neifert white Co.*, 247 Fed Supp 878, 879.....**
- 21 - *Lane v. Railey*, 280 Ky 319, 133 SW 2d 75.....**

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**22 - Christensen v. Beebe**, 91 P 133, 32 Utah 406.....

**23 - Bankers Trust v. Nagler**, 229 NYS 2d 142, 143.....

**24 - Barnsdall Refining Corn. v. Birnam wood Oil Co.**, 92 F 2d 817.....

**25 - Leonard v. Springer**, 197 Ill 532, 64 NE 301.....

**26 - Menominee River Co. v. Augustus Spies L & C Co.**, 147 Wis 559, 572; 132 NW 1122.....

**27 - Guardian Agency v. Guardian Mut. Savings Bank**, 227 Wis 550, 279 NW 83. 22.....

**28 - Whipp v. Iverson**, 43 Wis 2d 166. 23.....

**29 - Lewis v. United States**, 680 F 2d 1239 (1982).....

## **TABLE OF AUTHORITIES ( continued )**

**30 - Sedima, SPRL V. Imrex Co.**, 473 US 479 (1985) Rico Violation.....

**31 - Placid Oil Co., V. Taylor**, App. 3 Cir. 1977, 345 So. 2d 254,.....

**32 - Shreveport, Inc., V. Heflin**, App. 2 Cir. 1973, 286 So. 2d 511.....

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**33 - *Yaeger Milling Co., V. Lawler, Sup. 1887, 39 La. Ann. 572, So.398.....***

**34 - *L&H Airco, Inc. v. Rapistan, Corp., 446 N.W.2d 372, 380 (Minn. 1989).....***

**35 - *Richfield Bank & Trust Co. v. Sjogren, 244 N.W.2d 648, 650 (Minn. 1976).....***

**36 - *Central Transp. Co. v. Pullman, 139 U.S. 60, 11 S. Ct. 478, 35 L. Ed. 55.....***

**37 - *F& PR v. Richmond, 133 SE 898; 151 Va 195.....***

**38 - *Bowen v. Needles Nat. Bank, 94 F 925, 36 CCA 553.....***

**39 - *Durante Bros. & Sons, Inc. v. Flushing Nat 'l Bank, 755 F2d 239, Cert. denied, 473 US 906 (1985) Rico Violation...***

**POINTS OF AUTHORITY**

**Laws Specifically violated by PLAINTIFF/S**  
**AND IGNORED BY ALL OF THE FEDERAL COURTS**

**Laws violated by the Plaintiff/s - FIRST NATIONAL  
BANK OF OMAHA AND THE SAME LAWS VIOLATED  
BY the Plaintiff - CITIBANK, SOUTH DAKOTA**

**EVIDENCE of these violations has been submitted to all  
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## **POINTS OF AUTHORITY ( continued )**

- 1 - Rule 28 USC Part IV Chapter 85 sec. 1332
- 2 - Rule 12 USC (b)(1)(2)(3)(6) and Rule 12 USC (b)56
- 2(a) - RULE 56
- 2(A) - U S C Title 47 Section 227 violations of Telephone usage.
- 3 and 3 (a) - PLAINTIFF 'S FAILURE TO SIGN AFFIDAVIT UNDER OATH VERIFYING SOURCE OF FUNDS - FEDERAL LAW VIOLATION
- 4 - Plaintiff Silence of Acquiescence is Misrepresentation
- 5 - Violations of Civil False Claim Act
- 6 - USC Title 28 Part IV Chapter 89 sec 1446
- 7 - Title 18 USC 241
- 8 - UCC Article 1, Part 1 ,1 -107
- 9 - UCC Article 1 Part 2 , 1-203
- 10 - Title 12 Chapter 1 sec 226.13, \27\, \28\, \29\, Page 215 (d) (1), \30\ (2)
- 11 - FTC Public Law 93-495 October 28, 1974 (2)
- 12 - FTC Public Law 93-495 October 28, 1974 (i)(e) 161(a),161(a)
- 13 - Title 15 USC 1692, Title 15 USC 1692g ,809
- 14 - Title 15 USC Section 1666a. (a),(b),(2)
- 15 - Title 28 USC Sec 1343 (a)(3)
- 16 - Title 28 USC 1441, (a)(b)(c)
- 17 - Ultra Vire - See Table of Authorities and contents
- 18 - Title 42 USC, 1983
- 19 - VIOLATIONS OF Administrative Law Act. Plaintiff's failure to exhaust.
- 20 - Title 18 U.S.C. 1964 also 18 U.S.C. 1341, 1343, 1961and 1962